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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/829,165

04/22/2004

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EXAMINER

COBURN, CORBETT B

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

12/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/829,165

Applicant(s)

SERIZAWA ET AL.

Examiner

Corbett B. Coburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32 and 48-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32 and 48-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 32 & 48-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sega's "Title Fight" in view of Japanese Reference 64-39789. (Both references supplied by the Applicant.)

Claim 32 & 53: Title Fight teaches the invention substantially as claimed. In Title Fight, two characters battle each other. In cases where one of the characters is interposed between the virtual camera and the opponent character, that character becomes transparent. This allows the player to see the effects of his blows on the opponent. Title Fight does not appear to teach leaving those parts of the character that are used for attacking nontransparent.

Japanese Reference 64-39789 teaches a similar game in which the body of the character (a catcher) that is between the camera and the focus of action (the pitcher) is rendered transparent except for the character's glove. This allows the player to see both the pitcher and the glove. Seeing the glove makes it easier for the player to control the portion of the character that is taking action.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Title Fight in view of Japanese Reference 64-39789 to leave

those parts of the character that are used for attacking (i.e., the parts taking action) nontransparent in order to make it easier for the player to control those parts.

Performance of the function implies existence of the structure (both physical and in software) needed to carry out the function.

Regarding the newly added limitation concerning making the player controlled object initially non-transparent, this is an obvious matter of programming design choice that is well within the level of ordinary skill & that would yield predictable results. Since most games render characters as being nontransparent, it is clear that one of ordinary skill in the art would have the ability to do so. Changing an image from nontransparent to transparent is a matter of changing a few parameters – again something that is well within the level of ordinary skill. Certainly, the results would be predictable. The character would go from non-transparent to transparent. One might be motivated to do this in order to allow the human player to get a look at his character prior to the fight.

Regarding newly added claims 48-52, these are directed to purely conventional subject matter.

Claim 48: Clearly, there is no need to make portions of characters transparent if neither is interposed between the virtual camera and an opponent.

Claims 49 & 50: Any fighting game must determine when to start the fight.

Claims 51 & 52: In any graphics system, if an image is altered, the number of polygons used to render the image will change. If the image is stretched or deformed, the number of polygons will increase. Any image that is supposed to look 3-D will be depicted as a

polyhedron with multiple polygonal faces. Deforming the image will increase the number of polygons used to make up the polyhedron.

Response to Arguments

3. Applicant's arguments filed 25 October 2007 have been fully considered but they are not persuasive.
4. Applicant's arguments regarding the amended claims are addressed in the rejection above.
5. Applicant argues that Examiner has improperly used inherency. Applicant has claimed processors – all computers have processors. Applicant has claimed software modules. All programs have software modules. The prior art runs on a computer. Therefore the prior art inherently runs on a machine with processors. The prior art is software. Therefore the prior art inherently contains software modules.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Corbett B. Coburn/
Primary Examiner
Art Unit 3714